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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

RAMESH "SUNNY" BALWANI,

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH HOLMES and  
RAMESH "SUNNY" BALWANI,

Defendants.

CASE NO. 18-CV-01603-BLF

CASE NO. 18-CR-00258-LHK\_

**REVISED NOTICE OF RELATED CASES  
IN A CRIMINAL ACTION**

The United States hereby files this notice of related cases pursuant to Criminal Local Rule 8-1,  
as it believes that the above-captioned cases are related within the meaning of the rule. The first

captioned case (18-CV-01603-BLF), a civil securities case, charges defendant Ramesh “Sunny” Balwani with violations of the federal securities laws, and contains allegations related to his employment at Theranos, Inc.<sup>1</sup> At trial, this case would likely involve testimony from Theranos’s investors concerning alleged misrepresentations made to them in the course of their investments. Throughout the course of this litigation, the Court would likely become familiar with the business of Theranos, its technology, and its recruitment of investors.

The second case (18-CR-00258-LHK), a criminal fraud case, charges Elizabeth Holmes and Ramesh “Sunny” Balwani with violations of federal criminal conspiracy and fraud laws, and contains allegations regarding their employment at the same company, Theranos, Inc. This criminal case alleges fraud committed against investors as well as Theranos’s patients. At trial, this case, too, would likely involve testimony from Theranos’s investors concerning alleged misrepresentations made to them in the course of their investments. Similarly, the Court would likely become familiar with the business of Theranos, its technology, and its recruitment of investors.

These two cases involve one or more of the same defendants and overlapping, and in some instances the same, events, occurrences, and transactions. In addition, both actions appear likely to entail substantial duplication of labor if heard by different Judges or might create conflicts and unnecessary expenses if conducted before different Judges. For the above reasons, the government believes that assignment of the above-captioned cases to a single District Judge will conserve judicial resources and promote efficient determination of the action.

The first case, 18-CV-01603-BLF, is pending before Judge Freeman, and is the “earliest” filed matter within the meaning of the Local Rules. Rule 8-1(e) provides that **the Judge assigned to the**

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<sup>1</sup> *A prior version of this filing incorrectly cited the case number within this footnote.* The Securities and Exchange Commission filed a separate action, Securities and Exchange Commission v. Holmes et al **18-CV-01602-EJD**, against Elizabeth Holmes and Theranos, Inc. **According to the docket sheet, the Clerk of Court was asked to close this matter on March 27, 2018.**

earliest-filed case shall issue an order that indicates whether the later-filed case is related or not, and if the case is related, whether the later-filed case is to be reassigned to that Judge.

DATED: June 20, 2018

Very truly yours,

ALEX G. TSE  
Acting United States Attorney

/s/  
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JEFF SCHENK  
Assistant United States Attorney